STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of J'AIR MALIK BEVERLY,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

YAUANA K. BEATTY,

Respondent-Appellant,

and

HAROLD BEVERLY, SR.,

Respondent.

UNPUBLISHED
February 27, 2007

No. 271475
Saginaw Circuit Court
Family Division
LC No. 02-027568-NA

Before: Hoekstra, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(i), (j), and (l). The court also terminated the parental rights of the child's father, but he has not appealed. We affirm.

Respondent-appellant argues that her due process rights were violated when the trial court denied her motion to adjourn on the first day of trial and proceeded without her when she was late on the second day of trial. Both of these arguments are baseless because the transcripts show that respondent-appellant was in fact present on the first day of trial,[1] and the trial court

[1] Although the trial court never specifically noted her presence, it was significant that it made no mention of any absence by respondent-appellant but did note the child's father's late arrival. In addition, at one point the trial court used the plural "clients" when providing the attorneys "an opportunity to speak with your clients."

proceeded on the second day of trial only with the case against the child's father while it waited to see if respondent-appellant would arrive.

Respondent-appellant's next argument also fails because it is well established that the Department of Human Services is justified in not providing services when its goal is termination and no service plan is anticipated or required. See MCL 712A.19b(4); see also MCR 3.977(E). Therefore, respondent-appellant's due process rights were not violated by the department's failure to schedule a psychological evaluation for her.

Lastly, respondent-appellant argues that she was not given a fair opportunity to prove that she could properly care for the child. The doctrine of anticipatory neglect is recognized by Michigan courts, see *In re AH*, 245 Mich App 77, 84; 627 NW2d 33 (2001), and neither MCL 712A.19b(3)(i) nor (l) required the trial court to look into the future. Furthermore, termination under these subsections was not automatic since MCL 712A.19b(5) still required the trial court to examine the child's best interests and determine that termination was not clearly against those interests.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Jane E. Markey
/s/ Kurtis T. Wilder